

Maryland Board of Pharmacy Public Board Meeting Minutes

Date: May 16, 2012

Name	Title	Present	Absent	Present	Absent
Board Members					
Bradley-Baker, L.	Commissioner	✓		10	1
Chason, D.	Commissioner	✓		11	0
Finke, H.	Commissioner	✓		10	1
Gavgani, M. Z.	Commissioner	✓		9	2
Hammonds, S.	Commissioner	✓		8	1
Handelman, M.	Commissioner	✓		8	3
Israbian-Jamgochian, L.	Commissioner/Treasurer	✓		11	0
Matens, R.	Commissioner	✓		9	2
Souranis, M.	Commissioner//President	✓		9	2
St. Cyr, II, Z. W.	Commissioner	✓		10	1
Taylor, D.	Commissioner	✓		11	0
Taylor, R.	Commissioner/Secretary	✓		9	2
Board Counsel					
Bethman, L.	Board Counsel	✓		10	1
Felter, B.	Staff Attorney	✓		11	0
Board Staff					
Naesea, L.	Executive Director	✓		10	1 (Excused)
Wu, Y.	Compliance Manager	✓		9	2
Daniels, D	Licensing Manager	✓		10	1
Gaither, P.	Administration and Public Support Manager	✓		8	3
Jeffers, A.	Legislation/Regulations Manager	✓		11	0
Kolapalli, P.	MIS Project Manager	✓		3	0

Subject	Responsible Party	Discussion	Action Due Date (Assigned To)	Results
I. Executive Committee Report(s)	M. Souranis, Board President	<p><i>Members of the Board with a conflict of interest relating to any item on the agenda are advised to notify the Board at this time or when the issue is addressed in the agenda.</i></p> <p>1. M. Souranis, President, called the Public Meeting to order at 9:38 a.m.</p>		

		<ol style="list-style-type: none"> 2. M. Souranis requested all meeting attendees to introduce themselves, to remember to sign the guest log and to indicate whether they would like continuing education credits before they leave the meeting. 3. M. Souranis reported that all guests will be given packets of materials so that they can follow the meeting's agenda items and discussions. Guests are requested to return the draft packets when they leave the meeting. 4. Members of the Board with any conflict of interest relating to any item on the agenda were advised to notify the Board. 5. Review and approval of April 18, 2012 public board meeting minutes with the following amendments: <ol style="list-style-type: none"> A. Page 3 Section 2 "Meeting Update" change Lena to Lenna in paragraph D: B. Page 4 Section C "MIS" delete the word "person" at end of first paragraph; and C. Page 19 B "Licensing Committee" No. 6 Pharmacare Network, add "as a pharmacy" to end of sentence right after the word "licensed." 	<p>Motion to accept minutes as amended made by M. Gavgani. Motion was seconded by Z. St. Cyr, II.</p>	<p>Motion was approved</p>
II. Executive Director Report	A. L. Naesea	<p>1. Operations Update: L. Naesea mentioned that her report will also comprise the Administration and Public Support report normally given by Patricia Gaither. Patricia Gaither is present in the office but has laryngitis.</p> <p>a) The Board received approval for a new Computer Network position (database specialist) and has begun the recruitment process.</p>		

		<p>b) The Board is still in the process of recruitment for the supervisor for Management Information Services (MIS) unit and is awaiting a list of application responses from the DHMH Human Resources Unit in relation to that position</p> <p>c) Pawan Kolapalli will comment on the SharePoint web portal progress and training for staff. The Board is reorganizing its public website and gathering all current information to ensure all links on the public website are active and working. It is projected that the reorganization of website will be completed by the end of next week. Board MIS personnel will be trained on intermediate use of SharePoint this month and other staff will be trained in June on basic use of the SharePoint website.</p> <p>2. Meeting Updates:</p> <p>a) April 26, 2012 - Strategic National Stockpile (SNS) Partners meeting. D. Taylor will provide an update later during the Public meeting.</p> <p>b) D. Chason, P. Gaither, H. Finke and L. Naesea met with PEAC representatives to discuss the upcoming Contract renewal. A draft proposal has been sent to PEAC and the Board is awaiting a response to that draft. Upon response from PEAC the full Board will be presented with changes from the previous contract as soon as possible.</p> <p>c) There was a meeting with Systems Automation representatives to address some changes to the current statement of work. Pawan Kolapalli will discuss in detail later during the meeting. The August 12 2012 projected completion date indicated in the project timeline is still on track.</p> <p>d) A meeting was held with RCI to discuss ideas related to the BoP's major document scanning project. After reviewing the effort involved P. Kolapalli has recommended that BOP carry out most of the tasks internally using available staff and Department temp resources. P. Kolapalli is developing a proposed plan which for review.</p> <p>e) Professional Assistants Day was last week and Board management thanks all of our support staff for their efforts in supporting the Board throughout the year.</p> <p>f) L. Naesea received an invitation from the National Association of Boards of Pharmacy (NABP) to represent NABP at a workforce data definition task force group at a meeting in Washington, DC on</p>		
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		<p>June 18 and 19, 2012. Representatives from 5 different boards have been asked to participate and to give their respective input. L. Naesea contacted Senator Hollinger, the Director of Maryland's Workforce for the Health Occupations Boards, to learn if there are any specific data elements she would be interested in reviewing.</p> <p>g) YuZon Wu attended the last meeting with Deputy. Secretary Fran Phillips concerning the CDS Unit meeting. She commented that the CDS Unit is still working on determining the best way to share information between the various departments involved.</p>		
B. Administration and Public Support	P. Gaither	<p>1. Personnel Updates - Vacancies and Recruits</p> <p>2. Contracts and Procurement</p> <p>a) PEAC Contract Update</p> <p>3. Board Members Recognition Dinner – June 20, 2012</p> <p>See Section II, Executive Director's report for a summary of these items.</p>		
C. MIS	P. Kolapalli	<p>P. Kolapalli reported the following:</p> <p>a) Very good progress was made on a few systems applications since the last meeting. The second iteration between the MS Access</p>		

		<p>database and the SQL database was completed and Board staff was able to validate the data. One last iteration will be done in June and once that is completed the the new SQL database system can be put into use.</p> <p>b) MIS staff established a business relationship with CyberSource to ensure the electronic banking process can be upgraded. The Board of Nursing and Occupational Therapy Board were contacted since they currently use the same contractor and would have similar concerns. MIS staff leveraged this fact in establishing the BoP's business relationship with CyberSource as a payment processor. The Board will have an ability to receive all payments on-line, including electronic checks.</p> <p>c) There are still issues that need to be addressed but none are "showstoppers." One is working with NABP for verification of test scores. Currently there will still need to be some manual checking processing by the Board staff as NABP does not have the technology to send files automatically/electronically to the new system for test scores verifications. Another issue is establishing a direct business interface with the Comptroller's office system to notify them of renewing licensees (related to tax and child support delinquencies in addition to other state obligations).d)MIS staff is working with downtown to design the SharePoint portal. BoP staff is still making updates and changes to the public website and some of the site is still under construction.</p> <p>e) The MIS Unit is developing standard operating procedures for posting information on the secure web site and for tracking all business units issues and activities. This is an ongoing process to be completed in the near future.</p>		
D. Licensing	D. James	<p>Monthly Statistics for April, 2012:</p> <p><u>Total Pharmacist Licensees:</u> 8,815; Pharmacists In State: 6,092; Pharmacists Out-of-State: 2,723. 27 New Pharmacist Licensed in April of which 9 were in state and 18 were out of state.</p> <p><u>Total Pharmacy Establishment Licenses:</u> 1,799 In State: 1,185 Out-of-State: 533; Waivered Pharmacies: 81 10 New Pharmacy Licensed in April</p> <p><u>Total Distributor Licenses:</u> 899 In State: 138;</p>		

		<p>Out-Of-State: 761</p> <p><u>Total Pharmacy Technician Licensees:</u> 10,854. 118 New Pharmacy Technician Applications.</p>		
E. Compliance	Y. Wu, Manager	<p>Inspection Program Report for April, 2012: New Complaints: 36 Resolved Complaints: 31 Completed Actions: 100% (within target goal) Final Disciplinary Actions (public and non-public): 24 Summary Actions: 1 with an average of 2 days to complete Inspections Completed: 123 Pharmacy Inspections. 111 annual inspections 6 opening inspections 0 closing, relocation or change of ownership inspections The Division of Drug Control performed 3 closing inspections.</p> <p>Guests at the Public meeting expressed concerns related to pharmacy employers being notified when their technicians are up for renewal. It was noted that the onus, by law, is on the employers to ensure everyone working for them are properly licensed. Technicians are independent licensees and notification of renewal can only be sent to the technician. This discussion led concerns expressed by some meeting attendees regarding phone calls and e-mails to the Board that were not responded to or responded to untimely, as well as applications not being processed timely. LaVerne Naesea acknowledged the concerns and noted that the matter is being addressed and will continue to be addressed until significantly resolved. Board Counsel, Linda Bethman noted that a technician (or any licensee) may continue to work until they receive a response from the Board, if a complete renewal application has been submitted at least two weeks before their registration expires.</p>		

		<p>1. PEAC Update- Gil Cohen</p> <p>G. Cohen reported that the PEAC's April 2012 numbers are the same as previous month's numbers: 15 clients were monitored by PEAC. 36 urinalysis tests received with one was a false positive.</p>		
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F. Legislation & Regulations	A. Jeffers	<p><u>LEGISLATION:</u></p> <p>Some Health Occupation Boards are considering omnibus legislation that may include:</p> <ol style="list-style-type: none"> 1. Board authority to issue cease and desist letters (two Boards have this specifically in their statutes, this would codify existing practice for everyone else); 2. Imposing a civil fine for practicing without a license and directing the fine to the Board's fund, not the General Fund; 3. Board option to send renewal notices by email (some Boards still are required to send this notice by first class mail); 4. Removal of requirement that licenses be printed; 5. Disallow a practitioner whose license has been suspended and who is appealing the suspension from practicing while the appeals process is moving forward. <p><u>REGULATIONS:</u></p> <p>1) 10.34.22 Licensing of Wholesale Prescription Drug or Device Distributors</p> <p>Draft to be reviewed by Practice in May.</p> <p>2) 10.34.29 Drug Therapy Management</p> <p>Draft to be reviewed by Practice May/June.</p> <p>3) 10.34.36 Pharmaceutical Services to Patients in Assisted Living Programs or Group Homes</p> <p>Submitted for DHMH sign-off and publication on April 10, 2012. Responded to Board of Nursing comment on April 20th.</p> <p>Linda Bethman reviewing and returning to Practice for clarification in May.</p> <p>4) Satellite Pharmacy Subcommittee to begin meeting May 23, 2012.</p> <p>A. Jeffers noted that one regulation not on the agenda is 10.34.09 “Fees.” A. Jeffers stated that there is no increase or decrease in fees only corrections are to dates to make the regulation consistent with our Sunset legislation.</p>	<p>Motion was made by the Legislative Committee to send these 5 omnibus legislation points to the Practice Committee for review. Motion was seconded by D. Taylor.</p>	<p>Motion was approved.</p>
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		<p><u>LAW BOOK:</u> Board approval requested for revisions to the law book for 2012 Edition of Maryland Pharmacy Laws</p>	<p>Motion by R. Matens for A. Jeffers to start revisions for 2012 Edition of Maryland Pharmacy Laws. Motion was seconded by H. Finke</p>	<p>Motion was approved.</p>
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<p>III. Committee Reports</p> <p>A. Practice Committee</p>	<p>H. Finke, Chair,</p>	<p>1. Changes to C-2 prescriptions.</p> <p><u>John Fader 05-09-2012 Letter</u></p> <p>It was brought to the Board’s attention that Judge John Fader had written to the Board regarding the Board’s vote at the December 2011 Board Meeting to allow pharmacists in Maryland, after verification with the prescriber and documentation, to make changes on Schedule II prescriptions, except the pharmacist is never permitted to make changes to the patient’s name, controlled substance prescribed (except for generic substitution permitted by state law) or the prescriber’s signature.</p> <p>Judge Fader’s letter outlined how this statement is a violation of federal laws and regulations which supersedes any letters containing policy to the contrary from DEA officials.</p> <p>Linda Bethman indicated that the Board acted properly in voting on this issue in December 2011, but since the federal law and regulations still stand, there may be some risk when a pharmacist does not follow federal law exactly. However, the DEA has released letters that indicate that until the federal law and regulations are changed, that pharmacists may follow direction from their states.</p>		

B. Licensing Committee	D. Chason, Chair	<p>1. Review of Pharmacist Applications:</p> <ul style="list-style-type: none"> • George, Mary – Applicant was not in compliance with CE requirements. License expired 1/31/12. Needed all 30 CEs. Did not provide detail of CEs. CEs sent 2/14/12. Notified to send reinstatement application. Requested waiver of fee, application sent on time but failed to properly submit info. Committee recommends approval of waiver request. • Perati, Jyothsna – Foreign graduate licensed in New jersey and Virginia, Has not obtained 500 hours of required work hours. Performed 400 hours in Virginia and 1600 in New Jersey as an intern. Can those be used to satisfy reciprocity requirement in Maryland? Committee recommends denial as intern hours cannot be used for required pharmacist experience. Applicant can earn hours in Maryland as extern. (This issue should be addressed further in new regulations.) • Osbourne-Gooden, Tanisha- Foreign trained pharmacist applicant who has worked as a technician in Pennsylvania for 1560 hours. Requesting approval of intern hours to satisfy reciprocity requirement. The Committee recommendation is to deny the request because the hours were obtained prior to graduation. 	<p>The Licensing Committee recommended to approve applicant's waiver request. The recommendation was seconded by D. Taylor.</p> <p>The Licensing Committee recommended to deny applicant's request to use work hours from New Jersey and New York to satisfy reciprocity requirements in Maryland. The recommendation was seconded by D. Taylor.</p> <p>The Licensing Committee recommended to deny applicant's request to use 1560 technician hours worked in PA because the hours were obtained prior to graduation. The recommendation was seconded by R. Matens.</p>	<p>Recommendation was approved.</p> <p>Recommendation was approved.</p> <p>Recommendation was approved.</p>
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		<ul style="list-style-type: none"> • Elassal, Emad - Foreign graduate and has completed 1850 hour working at Johns Hopkins School of Public Health in research laboratory involving vaccine development and is requesting approval to use the hours for reciprocity requirement. Committee recommends denial as research hours do not equal pharmacist experience. (<p>The Licensing Committee recommended to deny applicant's request to use 1850 hours working in a research laboratory involving vaccine development as research hours do not equal pharmacist experience. The recommendation was seconded by Z. W. St. Cyr, II.</p>	<p>R. Matens and M. Gavvani recused themselves from voting on this matter. Recommendation was approved.</p>
		<p>2. Review of Pharmacy Technician Applications:</p> <ul style="list-style-type: none"> • Lotwin, Irwin – Answered “Yes” to question #3 regarding failing to renew a health care license. Explanation is licensed as a physician in Maryland but allowed prior license from another state to lapse. CJIS did not indicate any actions. Committee recommends approval. 	<p>The Licensing Committee recommended to approve applicant's application as CJIS report did not indicate any actions due to applicant's failing to renew physician license in another state. Applicant is currently licensed as a physician in MD. The recommendation was seconded by D. Taylor.</p>	<p>R. Matens opposed the recommendation. Recommendation was approved.</p>
		<ul style="list-style-type: none"> • Alexxia Stalbert - The applicant answered “yes” to failed to renew health care registration. Explanation is applicant did not renew pharmacy technician registration in North Carolina because she moved to Louisiana. Applicant stated she promptly registered in Louisiana when she arrived. CJIS report did not indicate any actions. Committee recommends approval. 	<p>The Licensing Committee recommended to approve applicant's application as CJIS</p>	<p>Recommendation was approved.</p>

		<p>report did not indicate any actions. The recommendation was seconded by Z.W. St. Cyr, II.</p> <p>3. Review of Distributor Applications:</p> <ul style="list-style-type: none"> Spectrum Laboratories - Company submitted agreement not to ship Cocaine HCl into Maryland in order to use the Manufacturer's Application. Committee recommends approval. <p>4. Review of Pharmacy Applications:</p> <ul style="list-style-type: none"> MedEx Direct - Has not been inspected since 2007. The pharmacy is requesting a waiver license but has not been inspected in the home state since 2007. Committee recommends approval. Pharmacare at DC - Issues noted on inspection, requested documentation that issues were corrected. Committee recommends approval. 	<p>This matter was approved last month and on agenda to notify the Board that Spectrum sent letter reiterating it would not supply/ship HCl cocaine into MD.</p> <p>The Licensing Committee recommended to approve non-resident pharmacy license. The recommendation was seconded by H. Finke.</p> <p>Recommendation was made by R. Matens to require an inspection of Pharmacare, DC within 6 months. Therecommendation was seconded by L. Israbian-Jamgochian</p> <p>Recommendation by the Licensing Committee to</p>	<p>No action necessary</p> <p>Recommendation was approved.</p> <p>Recommendation was approved.</p> <p>Recommendation was approved.</p>
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			approve Pharmacare, DC pharmacy application. The recommendation was seconded by D. Taylor.	
C. Public Relations Committee	L. Bradley-Baker Chair	Public Relations Committee Update: 1. Community Outreach Update – Regarding the Flower Mart held on 2012, R. Matens thanks the College of Notre Dame School of Pharmacy and its students as well of the University of Maryland School of Pharmacy and its students. In addition, R. Matens thanked Board Commissioners L. Israbian-Jamgochian and Harry Finke and staff members Janet Seeds, Rhonda Goodman, YuZon Wu, Anna Jeffers, Emory Linn, Anasha Page, Cheryl Johnson, Stephen Kriendler, LaVerne Naesea and LaToya Waddell. A special thanks was given to Janet Seeds and Patricia Gaither for their work in organizing and administering the Flower Mart outreach.		

D. Disciplinary	L. Israbian-Jamgochian Chair	1. Disciplinary Committee - Sanctioning Guidelines	Commissioner D. Taylor raised some questions and after discussion this matter was referred back to the Practice Committee for further review.	
E. Emergency Preparedness Task Force	D. Taylor Chair	1. Emergency Preparedness Task Force <p>A. The State RSS Committee accepted all of the BOP's Taskforce suggested changes to the State SNS Plan. The BOP and pharmacists are written into the actual State SNS Plan with the following responsibilities:</p> <ol style="list-style-type: none"> 1. Lead agency for repackaging as necessary at the RSS.; 2. Lead agency for all CDS functions within the RSS; 3. Lead agency in issuing prophylaxis meds to RSS staff and their families; 4. Pharmacists at the RSS will serve as a resource for medication-related issues; and 5. Lead agency in performing QA function prior to shipments of medications and/or supplies leaving the RSS. <p>B. The State CDC TAR (technical assistance review) will be held at DHMH on Preston St on June 5th. Don Taylor will be the representative for the BOP and for the pharmacy part of the State SNS Plan. He will present the BOP's Taskforces' agendas, plans, etc to the CDC representative as part of the TAR.</p>		

F. Drug Therapy Management	Rodney Taylor, Co-Board Representative	<p>1. Joint Committee Update- No Drug Therapy Management Joint Committee was held in May due to the Agenda not being sent to committee members by May 1, 2012.</p> <p>2. Kaiser Permanente Ratification – The Board of Physicians approved Kaiser Permanente’s renewal application for its anticoagulation protocol at its April 18, 2012 public board meeting. An approval letter was mailed May 7, 2012.</p>	The DTM Committee moved to ratify the approval letter mailed to Kaiser Permanente on May 7, 2012. Motion was seconded by D. Taylor.	Motion was approved.
IV. Other Business & FYI	M. Souranis	There was no other business.	R Matens moved to adjourn the Public Board meeting pursuant to State Government Article 10-508)a)(13) and (7) for the purpose of engaging in medical review committee review deliberation regarding confidential matters in applications Meeting. The motion seconded by Z.W. St. Cyr, II.	Motion was approved.

V. Adjournment	M. Souranis, President	<p>The Public Meeting was adjourned at 11:26 pm.</p> <p>At 12:26 P.M. M. Souranis convened a Closed Public Session to engage in medical review committee deliberations regarding confidential matters in applications and consult with counsel in accordance with State Government Article Section 10-508(a)(7) and (13).</p> <p>C. The Closed Public Session was adjourned at 1:50 P.M. Immediately thereafter, R. Taylor convened an Administrative Session for purposes of discussing confidential disciplinary cases. With the exception of cases requiring recusals, the Board members present at the Public Meeting continued to participate in the Administrative Session.</p>		